IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6429 of 1998

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GAJUBHA PRATAPSINGH JADEJA - Petitioner(s)

Versus

ELECTRIC CONTROL GEAR (INDIA) LTD - Respondent(s)

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Appearance :

MR TR MISHRA for Petitioner No(s).: 1.

MR KM PATEL for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 19/07/2005

ORAL JUDGMENT

1.0 The petitioner has challenged the order dated 18.12.1997 passed by the Labour Court, Ahmedabad, in

Reference (LCA) No.262 of 1985, whereby the said reference was rejected.

2.0 The brief facts of the case are that the petitioner was an employee of the respondent Company and he was terminated from the service on 08.10.1984. The petitioner raised an industrial dispute which culminated into a reference being Reference LCA No.262 of 1985. The Labour Court, by impugned award dated 18.12.1997 rejected the reference on the ground of voluntary resignation. Hence, this petition.

3.0 I have heard learned counsel for the parties and perused the documents placed on record. From the impugned award, it transpires that the petitioner had submitted his statement of claim before the Labour Court twelve years after the Reference in question was preferred. Neither any delay condonation application was preferred nor any reasons were assigned to explain the delay caused in submitting the said statement of claim. The Labour Court has rightly concluded that the said delay had vitally affected the case of the petitioner. I am in complete agreement with the reasonings given by the Labour Court while rejecting the reference of the

petitioner and find no reason to interfere in this petition.

4.0 In the result, this petition is dismissed. Rule is discharged with no order as to costs.

(K. S. JHAVERI, J.)

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